

REMARKS

Claims 1, 4, and 25-30 remain pending, of which Claims 1, 25, 27, and 29 are in independent form. Favorable reconsideration is requested.

The April 2, 2008 Office Action stated that Claims 1, 4, and 25-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,057,893 (Kojima et al.) in view of U.S. Patent No. 5,774,624 (Enari).

Applicants strongly believe that the claims presented in the Preliminary Amendment filed August 1, 2008 are patentable over the mentioned references for the reasons set forth in the remarks section of the Preliminary Amendment. Nonetheless, the following additional comments are offered in view of the telephonic interview conducted between the Examiner and the undersigned representative on or around September 3, 2008.

First, the Examiner is sincerely thanked for the courtesies that he extended to the representative during the interview, and also for following up with a telephone call on September 16, 2008 to determine whether Applicant would be submitting any post-interview submission in view of the interview.

During the interview, the representative explained that Kojima et al. and Enari do not teach or suggest controlling an encoding to generate an I picture for every n pictures, if a recording start instruction is detected, and that, instead, the combination of references proposed in the Office Action would result merely in a situation in which a recording start is detected, the P picture immediately after the detected recording start is changed to an I picture, and the I picture preceding and/or subsequent to the changed I picture are/is changed.

The Examiner responded that he believes Kojima et al. teaches performing encoding to generate an I picture for every n pictures in Figs. 12A and 12B and at col. 10, lines 23 to 35, and that Enari discloses issuance of a recording instruction. The representative then indicated that a further study of the foregoing parts of Kojima et al. would be needed. No agreement was reached as to the status of the claims.

Applicant now offers the following remarks regarding the parts of Kojima et al. cited by the Examiner during the interview.

Applicant respectfully submits that, for the following reasons, Kojima et al. does not teach or suggest performing encoding to generate an I picture for every n pictures, either in Figs.12A and 12B, at col.10, lines 23 to 35, or anywhere else in that reference.

Kojima et al. generally discloses to change a P picture immediately after a scene change to an I picture to prevent encoded image data from not being decoded due to the scene change. In addition, the reference changes the original I picture immediately after the scene change to the P picture to avoid an increase in an amount of the encoded image data.

Col. 10, lines 23 to 35 of Kojima et al. refers to a first picture (frame F5 or F20) after a scene change being changed to an I picture, and then, until a next scene change is detected, the I picture (frames F8, F17, or F26) may be changed to a P picture for diminishing the number of the I pictures for minimizing the number of I pictures in a scene.

Referring to Figs.12A and 12B of Kojima et al., the I picture is generated for every nine (9) frames in Fig.12A, but this manner of generating an I-picture is changed in Fig.12B to generate the I picture for every fifteen (15) frames. That is, according to the

encoded image data generation technique of Kojima et al., the I picture is not always generated for every predetermined number of frames, if the scene change occurs. For example, even if the I picture is generated for every 15 frames before the scene change occurs, the I picture to be originally generated immediately before or after the scene change is changed to the P picture to avoid an increase in the amount of the encoded image data. This clearly means that the I picture to be generated for every 15 frames is changed to the P picture, and eventually, the I picture is not generated for every 15 frames.

Indeed, nothing in Kojima et al. would teach or suggest controlling an encoding to generate an I picture for every n pictures, if a recording start instruction is detected, as set forth in the independent claims, and nothing in Enari would remedy the deficiency of Kojima et al. as a reference against those claims. Accordingly, even of those references were to be combined as posited in the Office Action, (which, in any event, is not admitted as being obvious or technically feasible), the result still would not teach or suggest that when a recording start instruction is provided, the number of I pictures to be generated between the I pictures each generated for every n frames is changed while continuing to generate the I picture for every n frames.

In view of the foregoing amendments and remarks, and the Preliminary Amendment filed August 1, 2008, Applicant respectfully submits that the independent claims, as well as the claims depending therefrom, are clearly patentable over the above references, whether considered separately or in combination.

Accordingly, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



Frank A. DeLucia
Attorney for Applicant
Registration No. 42,476

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

FCHS_WS 2468887v1